

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 23013 of 2006(M)

PETITIONER:

THE MANAGER,
ST.AUGUSTINE'S HIGH SCHOOL,
MURUKKUMPUZHA, THIRUVANANTHAPURAM.

BY ADV. SRI.P.SANTHOSH KUMAR (PANAMPALLI NAGAR)
SRI.LUIZ GODWIN D'COUTH

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY, GOVERNMENT OF KERALA,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DEPUTY DIRECTOR OF EDUCATION,
THIRUVANANTHAPURAM.
3. THE DISTRICT EDUCATIONAL OFFICER,
THIRUVANANTHAPURAM.
4. SRI. ADOLF FREDDY LOPEZ, S/O. LATE
FREDDY M. LOPEZ, T.C.14/1238,
LVRA B-60(4), LENIN NAGAR, VIKAS BHAVAN,
P.O.THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER, SRI.T.T.MUHAMOOD (FOR R1)
ADV. SRI.B.RAGUNATHAN (FOR R4)
SRI.G.S.MOHANDAS
SRI.V.V.MATHEW

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- EXT. P1: COPY OF THE ORDER NO.B2.266/D1/D.DIS. DATED 16.8.2002 ISSUED BY THE 3RD RESPONDENT.
- EXT. P2: COPY OF THE AGREEMENT DT.1.8.1974.
- EXT. P3: COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DT. 25.2.2005.
- EXT. P4: COPY OF THE JUDGMENT DT. 6.3.2006 IN W.P.(C) NO.6179/2006 OF THE HON'BLE HIGH COURT OF KERALA.
- EXT. P5: COPY OF THE G.O. DATED 13.7.2006.
- EXT. P6: COPY OF THE ORDER DATED 22/06/07.
- EXT. P7: COPY OF THE REGISTERED POST ACKNOWLEDGEMENT DUE AS IS EVIDENT FROM THE COMMUNICATIN DATED 24/04/06.
- EXT. P8: COPY OF THE REGISTERED POST ACKNOWLEDGMENT DUE AS EVIDENT FROM THE COMMUNICATION DATED, 05/05/06.
- EXT. P9: COPY OF THE REGISTERED POST ACKNOWLEDGEMENT DUE AS IS EVIDENT FROM THE COMMUNICATION DATED 05/02/07.
- EXT. P10: COPY OF THE ORDER DATED 05/12/05.
- EXT. P11: COPY OF THE MINUTES OF THE BOARD MEETINGS DATED 25/04/04.
- EXT. P12: COPY OF THE MINUTES OF THE BOARD MEETINGS DATED 02/05/05.
- EXT. P13: COPY OF THE MINUTES OF THE BOARD MEETINGS DATED 29/04/06.
- EXT. P14: COPY OF THE MINUTES OF THE BOARD MEETINGS DATED 07/07/06.
- EXT. P15: COPY OF THE MINUTES OF THE BOARD MEETINGS DATED 09/02/07.

RESPONDENT'S EXHIBITS:

- EXT. R4(A): COPY OF THE REPRESENTATION DTD. 7.5.2007.

/TRUE COPY/

P.A. TO JUDGE

JP

Dated this the 16th day of August, 2007.

J U D G M E N T

Petitioner who is the Manager of St.Augustine's High School, Murukkumpuzha in Thiruvananthapuram District. He has filed this writ petition impugning Ext.P5 order passed by the Government directing the Deputy Director of Education to proceed against him under Rule 7(1) of Chapter III KER, if he fails to comply with the directions issued to him earlier.

2. Respondent No.4, nephew of the petitioner is a member of the educational agency. It is on record that he has certain reservations about the manner in which his uncle (the petitioner) is managing the affairs of the institution. This obviously has resulted in the order which is impugned in this writ petition.

3. The primary grievance or concern of respondent No.4 appears to be that the petitioner is not giving him his due share in matters of administration of the school. It is the case of respondent No.4 that he is never consulted in matters relating to administration, leave alone appointment of teaching and non-teaching staff in the school. The meetings of the educational agency are never convened regularly. Even if they are held occasionally, respondent No.4 is never given notice in advance.

4. I do not propose to deal with any of the rival contentions raised by the parties at this stage, in view of the sense of camaraderie and wisdom shown by them before this Court. When a

suggestion was put to learned counsel for the petitioner to place on record petitioner's willingness to comply with the clauses contained in Ext.P2 Agreement in letter and spirit, he had readily agreed.

5. Accordingly an affidavit dated August 14, 2007 has been filed by the petitioner in which he has unequivocally undertaken to abide by the clauses contained in the Agreement. Yet again I do not deem it necessary to refer to the contents of affidavit. Suffice it to say the affidavit referred to above shall form part of the record. Petitioner shall ensure that he abides by and implements the clauses contained in Ext.P2 agreement meticulously in the matter of administration.

6. If respondent No.4 has any grievance hereafter, it will be open to him to alert the Officer of the Department concerned, in which event appropriate action shall be taken by the Officer as contemplated under Chapter III KER with utmost promptitude. I do not find any reason why wisdom will not prevail and the parties will not make an earnest endeavour to safeguard the interest of the institution and that of the student community in particular.

Writ Petition is closed.

A.K. Basheer
Judge.

an.